

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b)
 Table of Allotments
 Analog Television Broadcast Stations
 (Wiggins, Mississippi)

)
)
)
)
)

MM Docket No. 02-____
 RM-____

To: Chief, Video Services Division

PETITION FOR RULE MAKING

KB Prime Media LLC ("KB Prime"), applicant for an initial construction permit for NTSC Channel 56 at Wiggins, Mississippi, pursuant to Section 73.606(b) of the Commission's rules (47 C.F.R. §73.606(b)) and the Commission's Report and Order *In the Matter of Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, GN Docket No. 01-74, FCC 01-364, released January 18, 2002 ("Order"), hereby respectfully requests that the Commission expeditiously initiate a rule making proceeding to substitute and allot NTSC Channel 46 for the presently allotted NTSC Channel 56 at Wiggins, Mississippi at the reference coordinates specified in the attached engineering exhibit. Substitution of NTSC Channel 46 in the Television Table of Allotments is in the public interest, as it would facilitate the reallocation and introduction of new services in the Lower 700 MHz spectrum, and permit KB Prime to commence television service to the community of Wiggins, Mississippi.

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As set forth in the Engineering Statement, (attached hereto as Exhibit A), operation on Channel 46 appears permissible with a non-directional effective radiated power (“ERP”) of 3500 kW, with an antenna height above average terrain (HAAT) of 150 meters. Thus, KB Prime requests the following change to the analog Table of Allotments:

	<u>Current</u>	<u>Proposed</u>
Wiggins, Mississippi	56 (+)	46 (-)

DISCUSSION

Pursuant to the Commission’s Order and subsequent Public Notice, DA 02-270 (released February 6, 2002),¹ parties with pending applications seeking construction permits for new NTSC television stations on Channels 52-59 are eligible to propose a substitute channel by way of a rule making in this filing window.² KB Prime currently has an application pending seeking authorization for operation on NTSC Channel 56. Accordingly, consistent with the Commission’s actions in the Order, KB Prime is eligible to file the instant Petition seeking to modify the Television Table of Allotments to substitute and allot NTSC Channel 46 in lieu of Channel 56. The substitution of an in core television channel for the current NTSC Channel 56 allotment will foster the Commission’s goals of clearing incumbent broadcasters from the Lower 700 MHz spectrum and facilitate the reallocation and auction of that spectrum for new services.

¹ Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Requests for New NTSC Television Stations on Channels 52-59, Public Notice, DA 02-270 (released February 6, 2002).

² See also In the Matter of Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Report and Order, GN Docket No. 01-74, FCC 01-364, released January 18, 2002 at ¶45.

Similarly, substitution of Channel 46 will serve the public interest by preserving the introduction of analog television service to the community of Wiggins, Mississippi. Accordingly, KB Prime's proposed change to the Television Table of Allotments is in the public interest and consistent with the Commission's articulated goals.

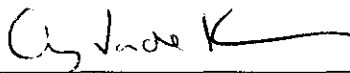
Furthermore, as demonstrated by the attached Engineering Statement, operation on NTSC Channel 46 is consistent with the Commission's rules and policies, and would permit analog television service to the community of Wiggins, Mississippi. If the proposal set forth herein is adopted, KB Prime will seek Commission consent to amend its pending application for initial construction permit in order to specify operation on Channel 46.

CONCLUSION

KB Prime respectfully requests that the Commission expeditiously initiate the rule making requested herein and that it substitute NTSC Channel 46 for NTSC Channel 56 at Wiggins, Mississippi.

Respectfully submitted,

KB PRIME MEDIA LLC

By: 

David D. Oxenford
Brendan Holland
Amy L. Van de Kerckhove

Its Attorneys

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2300 N Street, N.W.
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Dated: March 8, 2002

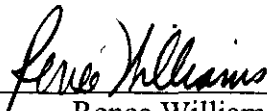
CERTIFICATE OF SERVICE

I, Renee Williams, a secretary in the law firm of Shaw Pittman LLP, hereby certify that on this 8th day of March 2002, I caused to be served by hand delivery a copy of the foregoing **“Petition for Rule Making,”** on the following:

John A. Karousos, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 3-A320
Washington, D.C. 20554

Shaun Maher
Federal Communications Commission
Mass Media Bureau
445 12th Street, S.W.
Room 2-A820
Washington, D.C. 20554

Gordon W. Godfrey
Federal Communications Commission
Mass Media Bureau
445 12th Street, S.W.
Room 2-C120
Washington, D.C. 20554



Renee Williams

EXHIBIT A

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE NTSC ALLOTMENT TABLE
CHANNEL 46
WIGGINS, MISSISSIPPI

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of KB Prime Media LLC (KB) in support of a Petition for Rule Making to modify the NTSC allotment at Wiggins, Mississippi by the proposed substitution of channel 46 for channel 56.

In the FCC Public Notice entitled "Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Requests For New NTSC Television Stations ON Channels 52-59", released on February 6, 2002, the FCC announced a filing window opportunity for applicants with certain pending requests for new analog (NTSC) television stations on channels 52-59 to modify their requests. Specifically, applicants with pending NTSC applications for new full-service NTSC television stations on channels 52-59, and those and other parties with pending NTSC applications on other channels that previously filed a petition for rule making for a channel 52-59 replacement channel, are eligible for the filing window.

Currently, KB has a pending application (BPCT-19960920LV) for operation on channel 56 at Wiggins. The pending application proposes operation on TV channel 56 with a nondirectional effective radiated power (ERP) of 5000 kilowatts and an HAAT of 609 meters. By Report and Order in GN Docket No. 01-74, the FCC reallocated channels 52-59 to new uses on a flexible basis. As the proposed KB NTSC facility falls within this band of frequencies, it is eligible for the filing window and therefore, is proposing the substitution of channel 46 for the channel 56 NTSC allotment at Wiggins.

Proposed NTSC Channel 46 Operation

NTSC channel 46 can be substituted for channel 56 and allotted to Wiggins, Mississippi in compliance with the FCC's technical criteria at the following reference coordinates, Latitude 30° 32' 32", Longitude 89° 10' 40". Operation on channel 46 from the proposed site appears permissible with a nondirectional ERP of 3500 kilowatts and an HAAT of 150 meters.

The proposed transmitter site would meet the Commission's minimum separation requirements applicable to NTSC operation on channel 46 specified in Section 73.610. The proposed channel 46 operation also complies with the FCC's interference criterion with respect to DTV allotments and authorized DTV facilities provided in Section 73.623(c). In addition, the proposed operation complies with the FCC's interference criterion applicable to Class A stations set forth in Section 74.707. Therefore, it is proposed to modify the NTSC allotment at Wiggins with the following specifications:

State & City	NTSC Channel	NTSC ERP(kW)	Antenna HAAT(m)
MS, Wiggins	46(-)	3500 (ND)	150

It is proposed to amend the NTSC Table of Allotments, Section 73.606(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Wiggins, Mississippi	56(+)		46(-)

It is proposed to allot UHF channel 46 at Latitude 30° 32' 32", Longitude 89° 10' 40". The channel 46 facility proposes operation with a "minus" carrier frequency offset, an antenna radiation center height above mean sea level (RCAMSL) of 176 meters, an antenna radiation center height above average terrain of 150 meters, and a nondirectional antenna ERP of 3500 kilowatts. Figure 1 provides a "Tech Box" from FCC Form 301 which sets forth the technical parameters for the proposed NTSC channel 46 operation.

NTSC Allocation Considerations

Figure 2 is a separation study toward other NTSC and DTV allotments based on a 32 kilometer "buffer". As indicated, the allotment reference point is fully-spaced to all other NTSC stations or allotments except toward a vacant NTSC channel 61 allotment at Mobile, Alabama and a pending application for that allotment. However, this separation is not applicable as channel 61 has been reallocated and the pending channel 61 applications will be dismissed by the FCC. The separations towards DTV facilities are only applicable to new DTV allotments but can be used to ascertain which DTV facilities will likely require protection.

DTV Allocation Considerations

Figure 3 provides a summary of DTV interference for the proposed channel 46 NTSC allotment. Determination of DTV interference was made in accordance with the procedures set forth in Section 73.623(c) and OET Bulletin No. 69.¹ Studies indicate that the proposed channel 46 operation would not cause prohibited interference to any DTV allotments, authorizations or applications for authorizations and, therefore, the proposed operation is in full compliance with the FCC's interference criterion with respect to pertinent DTV allotments.

Class A Allocation Considerations

Figure 4 is a tabulation of all co-channel and adjacent channel LPTV stations which filed for Class A eligibility and which could be adversely impacted by the proposed channel 46 NTSC operation. As indicated on Figure 4, it is believed that the proposed operation on NTSC channel 46 at Wiggins will not adversely impact any of the tabulated co-channel or pertinent adjacent channel LPTV stations. As indicated on Figure 4, Class A station WBXH-CA on channel 46 at Baton Rouge, Louisiana will be displaced by the DTV operation

¹ The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

of WAFB on channel 46 at Baton Rouge, Louisiana and, furthermore, WBXH-CA has an outstanding construction permit (BMJPTT-20010702ADK) to relocate to channel 39 as a result of its displacement by WAFB.

City Coverage Compliance

Figure 5 is a map which depicts the City Grade (80 dBu) contour for the proposed NTSC channel 46 operation based on consideration of actual terrain as well as presuming uniform terrain. The city limits of Wiggins based on the 2000 US Census data, are also shown. As indicated, all of Wiggins is located within both City Grade contours. Therefore, it is believed that the proposed channel 46 NTSC allotment will comply with the FCC's city coverage requirements.

Conclusion

Channel 46 can be substituted for the current channel 56 NTSC allotment at Wiggins, in compliance with the FCC rules concerning NTSC allotment changes.



W. Jeffrey Reynolds

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March 6, 2002

SECTION III-C TV Engineering

Figure 1
Sheet 1 of 2

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: <u>46</u>	(NTSC, Wiggins, MS)				
2. Offset: Plus _____	Minus <input checked="" type="checkbox"/> _____				
3. Zone: <input type="checkbox"/> I	<input type="checkbox"/> II <input checked="" type="checkbox"/> III				
4. Antenna Location Coordinates: (NAD 27)					
<u>30</u> ° <u>32</u> ' <u>32</u> "	<input checked="" type="checkbox"/> N <input type="checkbox"/> S Latitude				
<u>89</u> ° <u>10</u> ' <u>40</u> "	<input type="checkbox"/> E <input checked="" type="checkbox"/> W Longitude				
5. Antenna Structure Registration Number: _____					
<input checked="" type="checkbox"/> Not applicable	<input type="checkbox"/> FAA Notification Filed with FAA				
6. Height of Radiation Center Above Mean Sea Level:	<u>176</u> meters				
7. Overall Tower Height Above Ground Level:	<u>161</u> meters				
8. Height of Radiation Center Above Ground Level:	<u>152</u> meters				
9. Height of Radiation Center Above Average Terrain:	<u>150</u> meters				
10. Maximum Effective Radiated Power (ERP):	<u>3,500</u> kW				
11. Antenna Specifications:					
a. <table border="1"> <tr> <td>Manufacturer</td> <td>Model</td> </tr> <tr> <td>Andrew</td> <td>ATW30HS3-HTO-46M</td> </tr> </table>	Manufacturer	Model	Andrew	ATW30HS3-HTO-46M	
Manufacturer	Model				
Andrew	ATW30HS3-HTO-46M				
b. Electrical Beam Tilt: <u>0.75</u> degrees	<input type="checkbox"/> Not Applicable				
c. Mechanical Beam Tilt: _____ degrees toward azimuth	_____ degrees True <input checked="" type="checkbox"/> Not Applicable				
Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685.					
d. Polarization: <input checked="" type="checkbox"/> Horizontal	<input type="checkbox"/> Circular <input type="checkbox"/> Elliptical				

Exhibit No.
N/A

e. Directional Antenna Relative Field Values: ☒ Not applicable (Nondirectional)Rotation _____ ° ☐ No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.682(a)(14) and 73.685 must be satisfied. **Exhibit required.**

Exhibit No.

N/A

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION12. **Allotment.** The proposed facility complies with 47 C.F.R. Section 73.607.☐ Yes ☐ NoSee Explanation
in Exhibit No.13. **Power and Antenna Height.** The proposed facility complies with 47 C.F.R. Section 73.614.☐ Yes ☐ NoSee Explanation
in Exhibit No.14. **Community Coverage.** The proposed facility complies with 47 C.F.R. Sections 73.685(a) and (b).☐ Yes ☐ NoSee Explanation
in Exhibit No.15. **Main Studio Location.** The proposed main studio location complies with 47 C.F.R. Section 73.1125.☐ Yes ☐ NoSee Explanation
in Exhibit No.

NTSC to NTSC Separation Study

Job Title : Proposed NTSC Ch. 46, Wiggins, MS Separation Buffer 32 km
Zone : 3 FCC TV DB Date : 03/06/02
Channel 46 (662-668 MHz) Coordinates : 30-32-32 89-10-40

Call Status	City St	FCC File No.	Channel Zone	ERP(kW) HAAT(m)	Latitude Longitude	Bear. True	Dist. (km)	Req. (km)
WLAE-T LIC	NEW ORLEANS LA BLET	-19840717	*32(+) III	2290 DA 308	29-58-57 89-57-09	230.3 1.31	97.01	95.7 CLOSE
ALLOC.	COLUMBIA MS	-	45(o) III	.000 0	31-15-15 89-50-08	321.8 13.23	100.93	87.7 CLOSE
960724 APP	COLUMBIA MS BPET	-19960724	*45(o) III	589 113	31-16-00 89-49-56	322.4 14.12	101.82	87.7 CLOSE
WPCT LIC	PANAMA CITY BEACH FL BLCT	-19950410	46(o) III	126 DA 59	30-10-59 85-46-42	96.1 0.22	329.22	329.0 CLOSE
ALLOC.	HATTIESBURG MS	-	47(o) III	.000 0	31-19-40 89-17-32	352.9 0.08	87.78	87.7 CLOSE
960724 APP	HATTIESBURG MS BPET	-19960724	*47(o) III	100 99	31-21-02 89-22-12	348.5 3.79	91.49	87.7 CLOSE
960725 APP	MOBILE AL BPCT	-19960725	61(o) III	1510 136	30-44-44 88-05-40	77.4 -13.62	106.28	119.9 SHORT¹
ALLOC.	MOBILE AL	-	61(o) III	.000 0	30-41-18 88-02-36	81.2 -9.91	109.99	119.9 SHORT
960920 APP	MOBILE AL BPCT	-19960920	61(o) III	5000 298	30-40-55 87-49-41	82.8 10.46	130.36	119.9 CLOSE
960722 APP	MOBILE AL BPCT	-19960722	61(o) III	5000 347	30-37-38 87-37-31	86.0 29.32	149.22	119.9 CLEAR

** End of TV Separation Study for Channel 46 **

¹ This separation is not applicable as channel 61 has been reallocated and the pending channel 61 applications will be dismissed by the FCC.

NTSC to DTV Separation Study

Job Title : Proposed NTSC Ch. 46, Wiggins, MS Separation Buffer 32 km
Zone : 3 FCC TV DB Date : 03/06/02
Channel 46 (662-668 MHz) Coordinates : 30-32-32 89-10-40

Call	City	Channel	ERP(kW)	Latitude	Bear.	Dist.	Req.
Status	St	FCC File No.	Zone	HAAT(m)	Longitude	True (km)	(km)
DWAFB	BATON ROUGE	46	958.8	30-21-58	264.8	196.45	244.6
DTVALT	LA	III	509	91-12-47		-48.15	SHORT²
WAFB-D	BATON ROUGE	46	959 DA	30-21-58	264.8	196.45	244.6
CP	LA BPCDT -19991025	III	484	91-12-47		-48.15	SHORT
WMCF-D	MONTGOMERY	46	500 DA	32-24-13	53.0	350.52	244.6
CP	AL BPCDT -19991013	III	308	86-11-47		105.92	CLEAR

** End of DTV Separation Study for Channel 46 **

² Separations only applicable to new DTV allotments. The proposed NTSC channel 46 operation complies with the FCC's DTV interference criteria with respect to WAFB-DT. See Technical Narrative and Figure 3.

Figure 3

TECHNICAL EXHIBIT
 PREPARED IN SUPPORT OF
 PETITION FOR RULE MAKING TO
 MODIFY THE NTSC ALLOTMENT TABLE
 NTSC CHANNEL 46
 WIGGINS, MISSISSIPPI

OET-69 DTV Interference Caused Summary

Protected DTV Station	FCC Service Population	Interference Population**
WAFB-DT, DTV Ch. 46 Baton Rouge, LA Allotment	1,877,296	2,093 (0.1%)
WMCF-DT, DTV Ch. 46 Montgomery, AL CP	366,415	44 (0.0%)

**Note: A nominal grid size resolution of 2 km was employed for the OET-Bulletin No. 69 interference analysis.

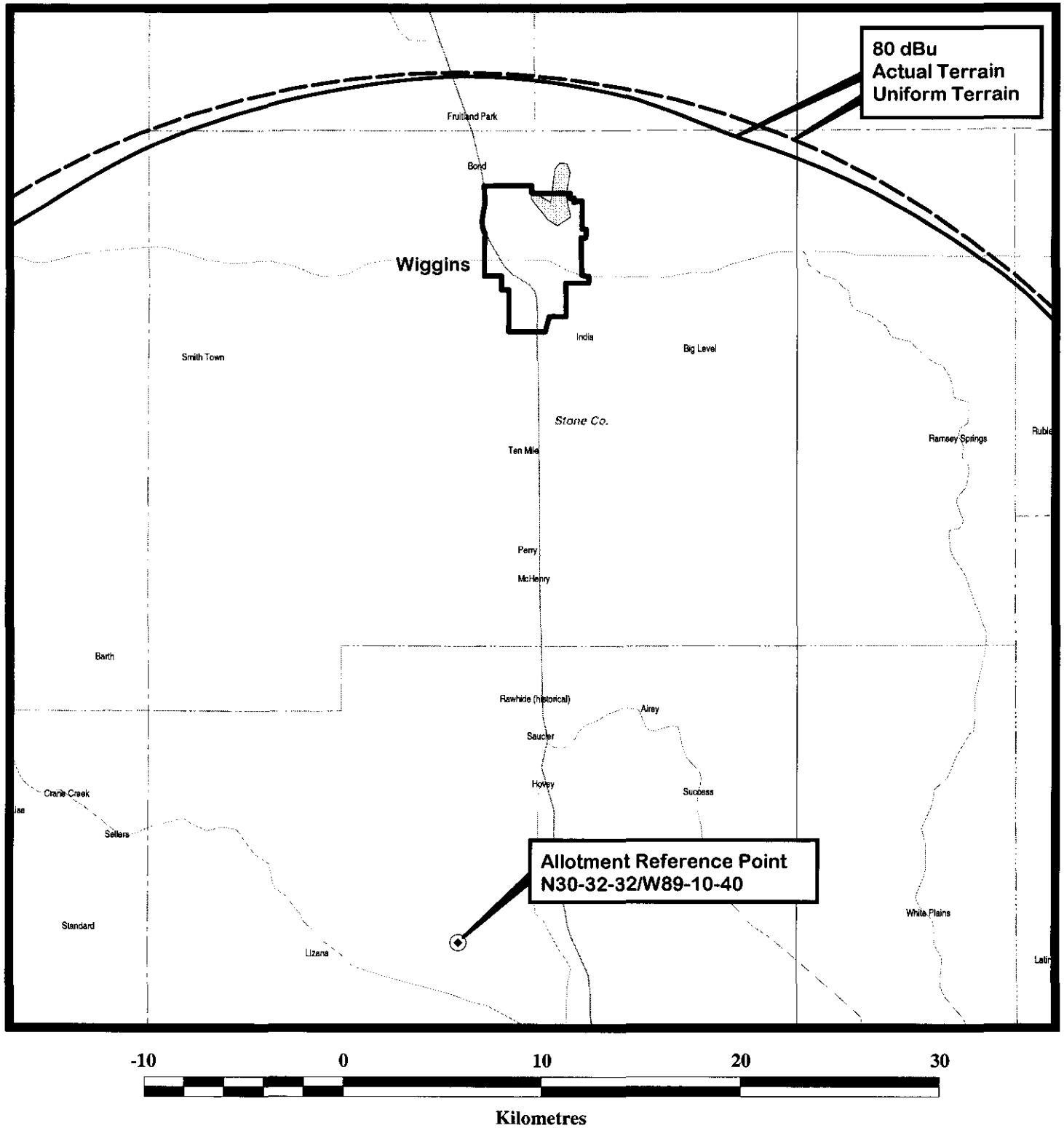
TECHNICAL EXHIBIT
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 NTSC CHANNEL 46
 WIGGINS, MISSISSIPPI

Class A Impact Summary

Call	Location	Facilities	Dist. (km) ¹	Comment
WBXH-CA	Baton Rouge, LA	Ch. 46, 59.5 kW, DA	197	WBXH-CA will be displaced by the DTV operation of WAFB on channel 46 at Baton Rouge, LA and has a CP to relocate to channel 39.
W46CW	Jackson/Brandon, MS	Ch. 46, 37.5 kW, ND	208	Complies with Interference Criteria

¹ Distances calculated from the proposed NTSC channel 46 allotment reference point.

Figure 5



**CITY COVERAGE COMPLIANCE
NTSC CHANNEL 46
WIGGINS, MISSISSIPPI
CH 46 3500 KW 150 M**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida